
ROSS, DIXON & BELL, LLP

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SIXTY-DAY NOTICE OF INTENT TO SUE FOR VIOLATION OF THE SAFE DRINKING
WATER AND TOXIC ENFORCEMENT ACT OF 1986
(Cal Health & Saf. Code §§ 25249.5 *et seq.*) ("Proposition 65")

February 8, 2008

Mr. Gregg Steinhafel
President;
Mr. Bob Ulrich
CEO
Target Corporation
1000 Nicollet Mall
Minneapolis, Minnesota 55403

AND THE PUBLIC PROSECUTORS LISTED ON THE ATTACHED CERTIFICATE OF SERVICE

Re: Consumer Product Exposure to Lead

To Whom It May Concern:

This letter constitutes notice that Target Corporation ("Target") has violated and continues to violate provisions of the Safe Drinking Water and Toxic Enforcement Act of 1986, California Health and Safety Code §§ 25249.5 *et seq.* ("Proposition 65"). Specifically, this entity has violated and continues to violate the warning requirement of § 25249.6 of the California Health and Safety Code, which provides, "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual..." This notice satisfies a prerequisite for Daniel Estes to commence an action against Target in any Superior Court of California to enforce Proposition 65. The violations addressed by this notice have occurred in at least the following California counties: Humboldt; Shasta; Butte; Yuba; Placer; El Dorado; Sacramento; Yolo; Napa; Sonoma; Solano; Marin; Contra Costa; San Joaquin; San Francisco; Alameda; San Mateo; Santa Clara; Stanislaus; Merced; San Benito; Fresno; Monterrey; Kings; Tulare; San Luis Obispo; Kern; San Bernardino; Santa Barbara; Ventura; Los Angeles; Orange; Riverside; San Diego and Imperial.

Daniel Estes is serving this notice upon each person or entity responsible for the alleged violations, the California Attorney General, the district attorney for every county where the alleged violations occurred, and the City Attorney for every city with a population (according to

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the most recent decennial census) of over 750,000 located within counties where the alleged violations occurred.

By serving this notice, Daniel Estes is acting "in the public interest" pursuant to Proposition 65. Target may contact Daniel Estes, P.O. Box 1252, Rancho Santa Fe, CA 92067, telephone number (760)728-5536 through his attorneys, Jason Hartley, Esq., 550 West B St., Suite 400, San Diego, CA 92101, telephone number (619) 235-4040.

Attached to this notice is a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary." This summary provides general information about Proposition 65.

From a moment currently unknown to the public, and continuing to the present, Target and/or its predecessor entity or entities have caused consumer product exposure to the carcinogen lead. Lead has been listed by the Governor of the State of California as a chemical known to the State of California to cause cancer or reproductive toxicity and has been so listed for more than twelve months. Specifically, Target sells flatware and other tableware that contain lead to consumers throughout California. The principal route of exposure to lead is through ingestion of consumables that came in contact with said flatware and other tableware. There may also be a risk of dermal exposure or exposure through inhalation if a lead-containing product is broken or destroyed. The location of the alleged exposures are varied, occurring within several counties of the state of California

Accordingly, Target, which has ten or more employees, has knowingly and intentionally exposed, and continues to expose, California consumers to concentrations of lead that exceed safe harbor levels without first providing clear and reasonable warnings as required by Proposition 65. Target was and is required to provide clear and reasonable warnings to all customers who purchase flatware or other tableware that contain excessive amounts of lead stating that such products contain chemicals known to the State of California to cause cancer.

Pursuant to Health and Safety Code §25249.7(d)(1), the undersigned counsel hereby include the attached Certificate of Merit, which states that the undersigned counsel have consulted with one or more persons with relevant and appropriate experience or expertise who has or have reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of this notice, and that, based on that information, the undersigned counsel believe there is a reasonable and meritorious case. Factual information sufficient to establish the basis of this Certificate of Merit is included with the notice that is served on the Attorney General and is provided to that office in confidence and is not to be disclosed except according to law.


Based on the allegations set forth in this Notice, Daniel Estes intends to file a citizen enforcement lawsuit against the violator named herein unless the alleged violator enters into a binding written agreement to remedy the violations alleged herein by: (1) recalling products already sold; (2) providing a clear and reasonable warning for products sold in the future or

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reformulating such products to eliminate the lead exposure; (3) paying an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b); (4) paying attorneys' fees; and (5) providing for third party testing all flatware and/or tableware Target sells for lead exposure. If the alleged violator is interested in resolving this dispute without resort to litigation, please feel free to contact Daniel Estes through his counsel identified below. It should be noted that Daniel Estes cannot: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District Attorney or City Attorney who received this 60-day notice. Therefore, while reaching an agreement with Daniel Estes will resolve his claims, such agreement may not satisfy the public prosecutors.

Through this notice, Daniel Estes provides Target and the appropriate government authorities notice of his intent to sue 60 days prior to the commencement of an action. In the absence of any action by the appropriate governmental authorities within 60 days of the sending of this notice, Daniel Estes may file suit.

Sincerely,



Jason S. Hartley
ROSS, DIXON & BELL, LLP
550 West B Street, Suite 400
San Diego, CA 92101
Tel: (619) 235-4040

cc:

Attachments

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CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Daniel Estes hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the party(s) identified in the notice(s) has violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party.
3. I have consulted with at least one person with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.
4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.
5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: February 8, 2008

By:

Jason Hartley



Gregg Steinhafel
February 8, 2008

PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is 550 West B Street, Suite 400, San Diego, CA 92101. On February 11, 2008, I served a copy of the following documents described as follows:

- **NOTICE OF VIOLATION OF THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 DATED 2/8/08 TO See Attached Distribution List FROM Jason Hartley, Esq.**
- **THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to alleged violators)**
- **CERTIFICATE OF MERIT – (attachments only sent to California Attorney General's Office)**

____ BY FACSIMILE TRANSMISSION (C.R.C. Rule 2008): At the time of transmission I was at least 18 years of age and not a party to this legal proceeding. I am "readily familiar" with the firm's practice of sending and receiving facsimile documents for service of process. Under that practice, the document(s) were caused to be sent to the parties via facsimile machine.

 X VIA U.S. MAIL (C.C.P. §1013a(1) and (3)): I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service; and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business. A true and correct copy thereof was enclosed in sealed envelope(s) and addressed as follows.

____ BY OVERNIGHT DELIVERY MAIL (C.C.P. §1013(c)): I am readily familiar with the practice of this firm for collection and processing of correspondence for mailing by FedEx. Pursuant to this practice, correspondence would be deposited in the a FedEx pickup location in San Diego, California in the ordinary course of business on the date of this declaration. A true and correct copy thereof was enclosed in sealed envelope(s) and addressed as follows.

SEE ATTACHED DISTRIBUTION LIST

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on February 11, 2008 at San Diego, California.



Jennifer Husar

Gregg Steinhafel
February 8, 2008

DISTRIBUTION LIST

District Attorney ALAMEDA COUNTY 1225 Fallon Street, Room 900 Oakland, CA 94612	District Attorney HUMBOLDT COUNTY 825 5 th Street Eureka, CA 95501	District Attorney MERCED COUNTY 2222 M Street Merced, CA 95340
District Attorney BUTTE COUNTY 25 County Center Drive Oroville, CA 95965	District Attorney HUMBOLDT COUNTY 825 5 th Street Eureka, CA 95501	District Attorney MONTEREY COUNTY 240 Church Street, #101 Salinas, CA 93901
District Attorney CONTRA COSTA COUNTY PO Box 670 Martinez, CA 94553	District Attorney KERN COUNTY 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney ORANGE COUNTY 401 Civic Center Drive Santa Ana, CA 92701
District Attorney FRESNO COUNTY 2220 Tulare Street. #1000 Fresno, CA 93721	District Attorney MARIN COUNTY 3501 Civic Center Drive, Rm. 130 San Rafael, CA 94903	District Attorney RIVERSIDE COUNTY 4075 Main Street Riverside, CA 92501
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District Attorney SAN BENITO COUNTY 419 4 th Street, Second Floor Hollister, CA 95023-3801	District Attorney SAN FRANCISCO COUNTY 880 Bryant Street, Room 325 San Francisco, CA 94103	District Attorney SAN MATEO COUNTY 400 County Center, 3 rd Floor Redwood City, CA 94063
District Attorney SAN DIEGO COUNTY 330 W. Broadway, STE. 1320 San Diego, CA 92101	District Attorney SAN LUIS OBISPO COUNTY County Govt. Ctr, 4 th FL Annex San Luis Obispo, CA 93408	District Attorney SANTA CLARA COUNTY W. Hedding Street, West Wing San Jose, CA 95110

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District Attorney SHASTA COUNTY 1525 Court Street, Third Floor Redding, CA 96001-1632	District Attorney SANTA CRUZ COUNTY 701 Ocean Street, Room 200 Santa Cruz, CA 95060	District Attorney SONOMA COUNTY 600 Administration Drive Room 2121 Santa Rosa, CA 95403
District Attorney SOLANO COUNTY 675 Texas Street, Suite 4500 Fairfield, CA 94533	District Attorney STANISLAUS COUNTY 800 11 th Street, Room 200 P.O. Box 442 Modesto, CA 95353	District Attorney TULARE COUNTY 221 South Mooney Blvd., Ste 224 Visalia, CA 93921
District Attorney VENTURA COUNTY 800 South Victoria Avenue Ventura, CA 93009	District Attorney YOLO COUNTY 301 Second Street Woodland, CA 95695	City Attorney CITY OF SAN FRANCISCO City Hall, Room 234 San Francisco, CA 94102
District Attorney YUBA COUNTY 215 Fifth Street Marysville, CA 95901	City Attorney CITY OF LOS ANGELES 200 N. Main Street Los Angeles, CA 90012	City Attorney CITY OF SAN DIEGO 1200 Third Avenue, 3 rd Floor San Diego, CA 92101
City Attorney CITY OF SAN JOSE 151 W. Mission St. San Jose, CA 95110	Attorney General of California Prop. 65 Enforcement Reporting Attention: Prop. 65 Coordinator 1515 Clay Street, Suite 2000 P.O. Box 70550 Oakland, CA 94612-0550	Mr. Gregg Steinhafel President; Mr. Bob Ulrich CEO Target Corporation 1000 Nicollet Mall Minneapolis, Minnesota 55403